

IN THE SENATE OF THE UNITED STATES.

JUNE 9, 1896.—Ordered to be printed.

Mr. MITCHELL, of Wisconsin, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT:

[To accompany S. 2531.]

The Committee on Military Affairs, to whom was referred the bill (S. 2531) for the relief of Elias Breese, have examined the same and report:

The facts and circumstances in this case are as follows:

Elias Breese was enrolled October 21, 1863, as a private in Company L, Eleventh Regiment Michigan Cavalry, to serve three years. He appears to have served faithfully until April 15, 1864, when he deserted, never thereafter returning to his command. Assuming the name of Samuel Porter he enlisted as a substitute for a drafted man, October 1, 1864, to serve one year, and was assigned to Company E, Twelfth Regiment Michigan Infantry Volunteers, with which he appears to have served faithfully until October 13, 1865, when he was mustered out of the service. His record therefore shows, in addition to the charge of desertion, a violation of the twenty-second article of war.

In an application made to the Secretary of War for removal of the charge of desertion, Breese testified March 31, 1886, that in April, 1863, he was attacked with chronic rheumatism; was sent to hospital where "the doctor advised him to take a furlough;" that "he took the liberty and started for home;" that he was sick for over three months and then went to Detroit, Mich., where he worked in a livery stable. He further testified, that, being desirous of rejoining his company and regiment, *he asked an officer* for advice, who told him not to go back, but to enlist in another regiment, which he did.

The application for relief has been repeatedly denied by the Department on the ground that the case did not come within any of the provisions of law governing such applications.

In an affidavit filed with the committee May 25, 1896, Breese states that immediately upon his arrival in Detroit for the purpose of rejoining his company he was accosted by an officer in uniform, who told him that he wanted men and that he would take care of him; that he took affiant to a large brick building, where he gave his name as Samuel Porter, being afraid to give his correct name, which would cause his arrest as a deserter; that the officer gave him \$10 and took him to the train and sent him to Jackson, Mich., where he remained until October, when he was sworn into service and assigned to Company E, Twelfth Regiment Michigan Infantry.

In this affidavit affiant has apparently forgotten the statement in his affidavit of March 31, 1886, that he went to Detroit and worked in a

livery stable, a discrepancy which is not explained by the subsequent statement that he was met at the depot by an officer, who enrolled him and sent him to Jackson.

Breese further testifies that he never knew that he had enlisted to serve as a substitute for a drafted man, and that aside from his monthly pay the only money he ever received was the \$10 he received from the officer, and he supposed that was for his expenses in reaching Jackson. He declares that if the records show him to have served as a substitute for a drafted man, he was sold by the party enlisting him, who took the money if any was paid. He further states that he intended to rejoin his company, but the officer in Detroit had been told affiant was absent without leave and could have him arrested as a deserter, and affiant was consequently in his power.

A number of citizens of Kalamazoo, Mich., testify to the character of Elias Breese as a good citizen, honest, and trustworthy.

The committee are of opinion that of the two statements made by the soldier respecting his visit to Detroit, the one which states that he worked in a livery stable in that city is the most probable. It is evident therefrom that the soldier was not prevented by illness or disability from returning to his command, and his offense is aggravated by joining another regiment under an assumed name.

Your committee therefore report the bill adversely, and recommend that the bill be indefinitely postponed.